

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1596 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 16622 of 2013**

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Manish Kumar Son of Shri Sanjay Singh resident of Village-Duwari, P.O. Nishchalganj, P.S. District Nalanda

.... Appellant

Versus

1. The Union of India through the D.I.G. C.I.S.F. (East Zone) Patliputra Near Raj Chikitsa, Boring Road Patna-13 (Bihar).
2. The Inspector General, C.I.S.F. Eastern Range, New Patliputra Colony, Boring Road Patna-13.
3. The Director General, C.I.S.F. 13, C.I.S.F. Office, Lodhi Road, New Delhi-03.
4. Shri H.V. Chaturvedi, Inspector General/ Administration C.I.S.F., C.G.O. Complex, Lodhi Road, Delhi of the C.I.S.F., C.G.O. Complex Lodhi Road, New Delhi-3
5. One Dy. Registrar Central Information Commission Room no. 305 2nd Floor (13) Wing August Kranti Bhawan, Bhiklaji Cama Place, New Delhi- 110066.

.... Respondents

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Appearance :

For the Appellant : Mr. Md. Anisur Rahman, Advocate
For the Respondents : Mr. S.D Sanjay, Addl. Solicitor General
Mr. Anjani Kumar Sharan, C.G.C.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

Date: 10-01-2017

Heard learned counsel for the parties.

2. The present Intra Court Appeal has been preferred under Clause-X of the Patna High Court Rules against the order dated 28.06.2016 passed in C.W.J.C. No. 16622 of 2013 by learned Single Judge of this Court, whereby the writ application preferred by the



petitioner-appellant has been dismissed.

3. The petitioner-appellant preferred the writ application for quashing the merit list for selection on the post of Head Constable in the C.I.S.F., whereby in spite of the petitioner-appellant passing of the required tests, was not selected whereas the persons having lesser marks than the petitioner-appellant, have been selected. The prayer was also made to direct the respondent to appoint the petitioner-appellant on the post of Head Constable (Min) Clerk with effect from 13.10.2011 and to stay the appointment process.

4. The claim of the petitioner-appellant is that he has wrongly been shown disqualified in the skill test as the petitioner's actual roll number is 1142107399 which gets reflected from call letter for Physical Standard Test and Documentation issued vide EZ HQ Patna Letter No. E32015/Rectt/EZ/Stn & Clk-11/2011/3502 dated 22.09.2011 with a direction to report at CISF Unit, BCCL Dhanbad, Post New Complex Koylanagar, District – Dhanbad (Jharkhand) on 13.10.2011 at 8.00 A.M. as contained in Annexure-2 to the writ application, but his roll number has been shown as 1145107399 in letter dated 09.10.2012 which is a forwarding letter of second appeal submitted by the petitioner-appellant under Right to Information Act by the office of CISF to Deputy Registrar, Central Information



Commission as contained in Annexure-11 to the writ application. This gave rise suspicion to the petitioner-appellant that under certain misconception the petitioner-appellant has been disqualified.

5. It is submitted by learned counsel for the appellant that the office of CISF was under confusion with regard to the roll number of the appellant and hence, the appellant was erroneously shown to be disqualified in the skill test.

6. It appears that there is no dispute with regard to the roll number of the petitioner-appellant as 1142107399 as has been admitted by the writ petitioner since he claimed to receive the call letter for physical standard test dated 22.09.2011 as contained in Annexure-2 to the writ application. Similar was the stand of the respondent-CISF in paragraph 3 to the supplementary counter affidavit filed before the learned Single Judge, which reads as follows:-

“That it is stated that roll number of petitioner Manish Kumar is 1142107399 (ONE ONE FOUR TWO ONE ZERO SEVEN THREE NINE NINE.”

7. Mr. S.D. Sanjay, learned counsel appearing on behalf of respondent-CISF submits that the advertisement was made with regard to the recruitment in the rank of Assistant Sub Inspector (Stenographer) and Head Constable (Min) in the CISF vide advertisement letter dated 08.04.2011. The petitioner's application



was found in order and the same was accepted and the petitioner-appellant was allotted Roll Number 1142107399 and issued admit card for written examination. The petitioner-appellant declared qualified in the written examination and thereafter he was called to appear in the Physical Standard Test and Documentation vide letter dated 22.09.2011 as contained in Annexure-2 to the writ application. The petitioner-appellant was declared qualified at Physical Standard Test and Documentation and issued call letter dated 30.10.2011 with a direction to report to CISF Unit, BSL Bokaro on 19.11.2011 for skill test (typing speed test), but the appellant failed to qualify at the skill test as a result he was not selected. The appellant relies on the correspondence with regard to the forwarding of RTI appeal as contained in Annexure-11 to the writ application, which has no connection with the various levels of the tests in which the appellant appeared.

8. Considering the rival contentions of the parties, we are of the view that it is not in dispute that the roll number of the appellant is 1142107399 and in all the correspondences at all the levels with regard to the appearance at the written test, physical standard test and skill test, the correct roll number was intimated to the appellant, but the appellant failed to qualify at the skill test. Hence, for



a typographical error in some correspondence with regard to forwarding his appeal under Right to Information Act cannot create a right to the appellant for being appointed.

9. In the circumstances, we do not find any infirmity in the order of the learned Single Judge. Accordingly, the Letters Patent Appeal is dismissed.

(Hemant Gupta, ACJ)

(Dinesh Kumar Singh, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

